

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 2/6/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEVIN TERRY,	:	
	:	
	:	
Plaintiff,	:	1:21-cv-8995-GHW
	:	
-v -	:	<u>ORDER</u>
	:	
N.Y.C./D.O.C./V.C.B.C. WARDEN CARTER;	:	
N.Y.C./D.O.C./V.C.B.C. CAPTAIN GUERRA;	:	
3-AA HOUSING UNIT CAPTAIN;	:	
N.Y.C./D.O.C./V.C.B.C. CAPTAIN JOHN	:	
DOE INTAKE SUPERVISING CAPTAIN;	:	
N.Y.C./D.O.C./V.C.B.C. CAPTAIN	:	
HORTON,	:	
	:	
Defendants.	:	
	:	
-----	X	

GREGORY H. WOODS, District Judge:

The Court issued an opinion in this case on January 17, 2023 (the “Opinion”). Dkt. No. 24. In the Opinion, the Court held that Plaintiff had failed to exhaust his administrative remedies under the Prisoner Litigation Reform Act. However, the Court afforded Plaintiff the opportunity to submit a letter to the Court to inform it of any issues related to the unavailability of the prison grievance system. The Court stated in the Opinion that, if Plaintiff failed to submit the letter by February 3, 2023, the Court would dismiss this action. Plaintiff has not filed a letter to date.

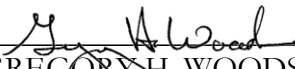
Accordingly, the Clerk of Court is respectfully directed to enter judgment for Defendants and to close this case.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: February 6, 2023
New York, New York



GREGORY H. WOODS
United States District Judge